

OLC PART 1

Hughes, Richard

From: Scolinos, Tasia
Sent: Wednesday, January 17, 2007 9:29 PM
To: @mcconnell.senate.gov'; Dana_M._Perino@who.eop.gov'; Roehrkasse, Brian
Cc: Bradbury, Steve
Subject: Re: FYI

I spoke with two reporters there - they seemed more or less reasonable when I spoke to them but let's see what they do with it.

-----Original Message-----

From: Stewart, Don (McConnell) b6
To: Scolinos, Tasia; Dana_M._Perino@who.eop.gov <Dana_M._Perino@who.eop.gov>; Roehrkasse, Brian
CC: Bradbury, Steve
Sent: Wed Jan 17 20:30:50 2007
Subject: Re: FYI

I don't know if they called or not, but I think they've calmed down, and will move the story inside the paper and off the front page.

----- Original Message -----

From: Scolinos, Tasia <Tasia.Scolinos@usdoj.gov>
To: Stewart, Don (McConnell); Perino, Dana M. <Dana_M._Perino@who.eop.gov>; Roehrkasse, Brian <Brian.Roehrkasse@usdoj.gov>
Cc: Bradbury, Steve <Steve.Bradbury@usdoj.gov>
Sent: Wed Jan 17 16:22:59 2007
Subject: RE: FYI

Tell him to call the DOJ press office at 202-514-2007 and ask for Brian Roehrkasse or Tasia Scolinos and we will have Steve Bradbury talk to him. Thanks.

-----Original Message-----

From: Stewart, Don (McConnell) [b6
Sent: Wednesday, January 17, 2007 4:15 PM
To: Perino, Dana M.; Scolinos, Tasia; Roehrkasse, Brian
Subject: RE: FYI

Reporter, thinks you caved. Wants me to tell him why they shouldn't do that. If you'd like to offer someone up, I can push him in that direction.

-----Original Message-----

From: Perino, Dana M. [mailto:Dana_M._Perino@who.eop.gov]
Sent: Wednesday, January 17, 2007 4:09 PM
To: Stewart, Don (McConnell); tasia.scolinos@usdoj.gov; Brian.Roehrkasse@usdoj.gov
Subject: Re: FYI

Editorial? Who can we have bradbury call? Added doj press. Thanks!

-----Original Message-----

From: Stewart, Don (McConnell)
To: Perino, Dana M.
Sent: Wed Jan 17 16:01:53 2007
Subject: FYI

Washington Times is going to clobber you on FISA/TSP.

AM 3/5/07

Hughes, Richard

From: Stewart, Don (McConnell) [56
Sent: Wednesday, January 17, 2007 4:47 PM
To: Scolinos, Tasia; Perino, Dana M.; Roehrkasse, Brian
Cc: Bradbury, Steve
Subject: RE: FYI

Will do.

-----Original Message-----

From: Scolinos, Tasia [mailto:Tasia.Scolinos@usdoj.gov]
Sent: Wednesday, January 17, 2007 4:23 PM
To: Stewart, Don (McConnell); Perino, Dana M.; Roehrkasse, Brian
Cc: Bradbury, Steve
Subject: RE: FYI

Tell him to call the DOJ press office at 202-514-2007 and ask for Brian Roehrkasse or Tasia Scolinos and we will have Steve Bradbury talk to him. Thanks.

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From: Stewart, Don (McConnell) [766
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To: Perino, Dana M.; Scolinos, Tasia; Roehrkasse, Brian
Subject: RE: FYI

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Sent: Wednesday, January 17, 2007 4:09 PM
To: Stewart, Don (McConnell); tasia.scolinos@usdoj.gov;
Brian.Roehrkasse@usdoj.gov
Subject: Re: FYI

Editorial? Who can we have bradbury call? Added doj press. Thanks!

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From: Stewart, Don (McConnell)
To: Perino, Dana M.
Sent: Wed Jan 17 16:01:53 2007
Subject: FYI

Washington Times is going to clobber you on FISA/TSP.

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Berhanu, Tsedey

From: Bash, Jeremy] b6
Sent: Wednesday, January 24, 2007 10:50 AM
To: [redacted]
Cc: Hertling, Richard; Parker, Wyndee; Delaney, Mike; Potenza, Vito; Roland, Sarah E; Eisenberg, John; Bradbury, Steve; Wainstein, Kenneth (NSD); Lawrence, Michael; Allen, Michael
Subject: RE: Documents

b2
b3
b6

Please note that my original email had an incorrect address for Michael Allen. It should be: michael_allen@nsc.eop.gov

-----Original Message-----

From: [redacted]] b2 b3
Sent: Wednesday, January 24, 2007 10:40 AM
To: Bash, Jeremy
Cc: Allen, Michael; richard.hertling@usdoj.gov; Parker, Wyndee; Delaney, Mike; Potenza, Vito; Sarah.E.Roland@usdoj.gov; John.Eisenberg@usdoj.gov; steve.bradbury@usdoj.gov; Lawrence, Michael] b6
Subject: RE: Documents

Jeremy

Just to let you know that Vito and I will be attending today's briefing at 1:00. Alison has passed your committee our clearances.

[] b3 b6

-----Original Message-----

From: Bash, Jeremy] b6
Sent: Tuesday, January 23, 2007 6:05 PM
To: Steve Bradbury (steve.bradbury@usdoj.gov); [redacted]] b2 b6
Cc: Allen, Michael; richard.hertling@usdoj.gov; [redacted] Parker, Wyndee; Delaney, Mike
Subject: Documents] b3 b6

Steve and Ken,

The Members are looking forward to your briefing tomorrow. We'll have a range of Members in the room - some of whom have followed this topic very closely and others who have not been briefed in yet. So, it will be a challenge - but I will work to get folks up to speed by tomorrow at 1 pm.

Our senior staff met with our Members today. The Chairman asked me to convey to you that he hopes you received the letter to the AG and the DNI requesting the orders, applications, memoranda of law, etc. signed by both himself and Ranking Member Hoekstra. Previously, we have requested a copy of the actual Presidential authorization for the program. The Chairman wanted me to let you know that he would be asking again tomorrow for these documents, and that he is prepared to issue a subpoena for them if they are not provided voluntarily. He hopes it won't come to that. Please understand that it is impossible for us to verify whether the law enacted by Congress (FISA) is being followed unless we review, in detail, how the orders are structured. As you know, FISA requires semiannual reports to Congress. However, the statute also says, "Nothing in this title shall be deemed to limit the authority and responsibility of the appropriate committees of each House of Congress to obtain such information as they may need to carry out their respective functions and duties." In that vein, I hope you'll help facilitate our oversight of this

program by complying with our request for the relevant documents.

If you have any questions before the briefing tomorrow, please don't hesitate to call at the number below.

Jeremy

Jeremy Bash
Chief Counsel
Permanent Select Committee on Intelligence
U.S. House of Representatives
Washington, DC 20515

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Farris, Bette

From: Bradbury, Steve
Sent: Friday, January 26, 2007 9:49 PM
To: []
Subject: Re: FISA orders

b6

Thx, Andy! I think it would be good to talk over the weekend, if that's convenient for you. I have a few errands to run in the morning but should then be free to talk much of the time tomorrow. I could also talk Sunday afternoon. Best numbers are my [] -- and my cell phone -- [] Thx!

b6

-----Original Message-----

From: Johnson, A (Intelligence) []
To: Bradbury, Steve
Sent: Fri Jan 26 21:10:57 2007
Subject: Re: FISA orders

b6

Steve: I apologize. We had a number of CIA briefings this afternoon and I just emerged out of a meeting with Louis Tucker. I am on my way home now. I don't want to disrupt your weekend activities, but if there a good time to call tomorrow or Sunday, let me know (and which is the best number). Thanks for reaching out. Andy

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Bradbury, Steve <Steve.Bradbury@usdoj.gov>
To: Johnson, A (Intelligence)
Sent: Fri Jan 26 18:22:40 2007
Subject: FISA orders

Andy: I've left you a couple of voice mails today concerning our hope to provide to the SSCI the Jan 10 FISA orders and supporting application. Pls call me to discuss at your earliest convenience, including over the weekend if that works best for you. []

Or shoot me a reply email with info about how I can contact you. I look forward to speaking with you. Thx! Steve

b6

Farris, Bette

From: Bradbury, Steve
Sent: Friday, January 26, 2007 12:54 PM
To:] b6
Subject: Re: Documents

Jeremy: I'm in a restaurant now but you can feel free to call my BB anytime at [b6
] Thx!

-----Original Message-----
From: Bash, Jeremy] b6
To: Bradbury, Steve
Sent: Fri Jan 26 12:21:26 2007
Subject: Re: Documents

Will call momentarily

-----Original Message-----
From: Bradbury, Steve <Steve.Bradbury@usdoj.gov>
To: Bash, Jeremy; Wainstein, Kenneth (NSD)
CC: Allen, Michael; Hertling, Richard <Richard.Hertling@usdoj.gov>; [] b2 b6
] Delaney, Mike] b3
Sent: Fri Jan 26 12:08:33 2007
Subject: RE: Documents

Jeremy: I just left you a voice mail. I'm trying to reach you to get back to you on the
Committee's request for the recent FISA orders. Pls call me at your earliest convenience
on my BB at [] I will also try to reach Mike Delaney. Thx!

b6

Farris, Bette

From: Bradbury, Steve
Sent: Saturday, January 27, 2007 12:56 PM
To:
Subject: Re: Documents

I certainly understand your interest in other materials, and I concur that an agreement now as to the Jan 10 orders does not obviate the need to address your other requests.

-----Original Message-----

From: Bash, Jeremy
To: Bradbury, Steve
Sent: Sat Jan 27 12:43:30 2007
Subject: Re: Documents

I'll take that up the chain.
2 other items. Ben Powell had indicated to me that we were supposed to have been granted access to the previous orders/applications ('04 and '06). I presume we'll be able to get that as well.

If you need to check around next week on that, it's ok.
Also, I want to remind that we have a long-standing request for the authorization, which the chairman renewed at the briefing. I understand that now we're into a different realm and that there are different factors at play but I just didn't want you to think that an agreement on the fisa material would obviate the need for that discussion down the road.

I'm not demanding an answer from you on that, just think about it.

-----Original Message-----

From: Bradbury, Steve <Steve.Bradbury@usdoj.gov>
To: Bash, Jeremy
Sent: Sat Jan 27 12:31:57 2007
Subject: Re: Documents

Spoke very briefly with Chris yesterday. We didn't get into the details, just a general summary. My sense was that he's comfortable with my working through you, but I'm sure I'll speak with him further on Monday. As to the change you suggest, perhaps we can take it in stages. Of course, the four who initially review would be free to brief the others generally on what's in the documents, and of course any Member could review them. If that turns out not to be sufficient, we could talk about it again at that point. You can always blame us for drawing the distinction. It would be great if we could get this all agreed to on Monday. Thx!

-----Original Message-----

From: Bash, Jeremy
To: Bradbury, Steve
Sent: Sat Jan 27 12:10:41 2007
Subject: Re: Documents

I'll need to discuss with the Chairman as soon as he gets back to DC, Monday late afternoon.

One modification I may request is expanding the staff group of those who would view (but not retain) the declarations to those staff cleared for tsp. It's a very small number (would involve no more than 4 beyond the 4 you stipulated to). We try not to segregate compartments within compartments. Only time we've done it is with regard to certain activities within a covert action activity and it is not a popular practice.

We'll talk Monday.

Did you reach Chris?

-----Original Message-----

From: Bradbury, Steve <Steve.Bradbury@usdoj.gov>
To: Bash, Jeremy
Sent: Sat Jan 27 11:56:43 2007
Subject: Re: Documents

Jeremy: I just had a good conversation with Andy Johnson. Preliminary indications are that he's comfortable with the same proposed arrangement that you and I discussed yesterday. I let him know that you and I had also talked about the same proposal (but I didn't indicate that you had agreed to anything). I'll reach out to you on Monday to confirm the arrangement. My hope is that we'll be ready to proceed by Tuesday. Thx and have a good weekend! Steve

-----Original Message-----

From: Bash, Jeremy
To: Bradbury, Steve
Sent: Fri Jan 26 12:21:26 2007
Subject: Re: Documents

] b6

Will call momentarily

-----Original Message-----

From: Bradbury, Steve <Steve.Bradbury@usdoj.gov>
To: Bash, Jeremy; Wainstein, Kenneth (NSD) [redacted]@usdoj.gov
CC: Allen, Michael; Hertling, Richard <Richard.Hertling@usdoj.gov>;
Delaney, Mike
Sent: Fri Jan 26 12:08:33 2007
Subject: RE: Documents

b2 b6

b3
b2

Jeremy: I just left you a voice mail. I'm trying to reach you to get back to you on the Committee's request for the recent FISA orders. Pls call me at your earliest convenience on my [redacted] I will also try to reach Mike Delaney. Thx!

b6

Farris, Bette

From: Bradbury, Steve
Sent: Monday, January 29, 2007 5:10 PM
To: 'Bash, Jeremy'
Subject: RE: follow up

Yes, I'll call you momentarily. Thx

From: Bash, Jeremy [] b6
Sent: Monday, January 29, 2007 5:09 PM
To: Bradbury, Steve
Subject: RE: follow up

Just tried you back at office.
They said you were on a call.
I'm at [] Will be here until votes end (7ish). b6
If it goes to voicemail, it means I just stepped away for a moment.

-----Original Message-----

From: Bradbury, Steve [mailto:Steve.Bradbury@usdoj.gov]
Sent: Monday, January 29, 2007 4:49 PM
To: Bash, Jeremy
Cc: Donesa, Chris
Subject: RE: follow up

Jeremy: Could you call me about this when you have a chance? My numbers are: []
Thx! Steve b6

From: Bash, Jeremy [] b6
Sent: Monday, January 29, 2007 11:25 AM
To: Bradbury, Steve
Cc: Donesa, Chris
Subject: follow up
Importance: High

Steve,

I have been able to have some contact with the Chairman (via Mike Delaney) while on the road. They return from their travel later today. Here's what I think we'd like to agree to (and please note just a few minor modifications.)

- The Department will give the Committee 2 copies to retain (one for Majority and one for Minority) of the two Jan 10 orders, the application submitted by DOJ, and the memoranda of law (primary and supplemental). We will treat this material as we do other TSP material and retain it in a separate safe. We will only make copies to facilitate simultaneous review by Members if necessary, and we'll take appropriate security precautions on that material (numbering copies, destroying excess copies after review, etc.)

- As for the declarations, the Department will bring to the Committee copies for review by any

Member and by 5 cleared staff (Delaney, Meermans, Bash, Doneso, and the fifth would be Wyndee Parker.) Wyndee is our deputy staff director and general counsel, is cleared into TSP, and has experience in FISA matters. The 3:2 ratio is consistent with the maj:min ratio we've had on this program and on the membership of the Committee in general.

- We assume we'll continue to have access to the declarations after we review them initially (ie, that it is not a one-time deal), and we are reserving the right to request copies of them for retention by the Committee if we determine the need to do so after we review them initially.
- An agreement on the Jan 10 materials does not obviate our long-standing requests for the previous orders and for copies of the Presidential authorization and any other relevant documents that we have asked for or may need to ask for to conduct our oversight.

Let me know if this works for you, and if so, I'll report to the Chairman that we have a general agreement.

Jeremy

Jeremy Bash
Chief Counsel
Permanent Select Committee on Intelligence
U.S. House of Representatives
Washington, DC 20515

[] b6

Farris, Bette

From: Bradbury, Steve
Sent: Monday, January 29, 2007 12:13 PM
To: 'Bash, Jeremy'
Cc: Donesa, Chris
Subject: RE: follow up

Jeremy: Thanks very much for the follow up. I'll get back to you ASAP today on this. Steve

From: Bash, Jeremy
Sent: Monday, January 29, 2007 11:25 AM
To: Bradbury, Steve
Cc: Donesa, Chris
Subject: follow up
Importance: High

Steve,

I have been able to have some contact with the Chairman (via Mike Delaney) while on the road. They return from their travel later today. Here's what I think we'd like to agree to (and please note just a few minor modifications.)

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Jeremy

Jeremy Bash
 Chief Counsel
 Permanent Select Committee on Intelligence

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7/10/2008

U.S. House of Representatives
Washington, DC 20515

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Hughes, Richard

N/A
DUP

From: Bash, Jeremy
Sent: Tuesday, January 30, 2007 3:58 PM
To: Bradbury, Steve
Cc: Donesa, Chris
Subject: RE: Proposed arrangement for providing Jan 10 FISA orders

Please check on #1. Ops folks have never redacted or withheld any operational detail on this program from us. I personally have gone into the operational file cabinets, picked at random any file I wanted to review, and read it front to back.

Understand your intent on #2. Still would require Committee action.

-----Original Message-----

From: Bradbury, Steve [mailto:Steve.Bradbury@usdoj.gov]
Sent: Tuesday, January 30, 2007 3:53 PM
To: Bash, Jeremy
Cc: Donesa, Chris
Subject: RE: Proposed arrangement for providing Jan 10 FISA orders

Jeremy: On point 2, we would not contemplate that the material retained in your SCIF would be "released" to the non-HPSCI Members, but rather that they could come and review it in your SCIF. That may be what you meant by "release" and that still may require a vote of the Committee, which I understand, but I just wanted to be clear that that was our intent. On point 1, I will need to check. I know that there are certain numbers and specific identifiers that the operational folks view as so sensitive that they would also want to redact it from the read-only set. Thx. Steve

From: Bash, Jeremy
Sent: Tuesday, January 30, 2007 3:47 PM
To: Bradbury, Steve
Cc: Donesa, Chris
Subject: RE: Proposed arrangement for providing Jan 10 FISA orders

Steve,

Two minor points, and then we're ok.

- (1) On the issue of redactions: It is important that a complete **unredacted** copy of the orders, application, memoranda of law and supporting exhibits (other than the declarations) be at least made available for our review, under the same terms as the declarations. I understand that only

a redacted version will be retained by HPSCI. But I want to be sure that we'll be able to at least eyeball the redacted material to satisfy ourselves that the redacted information does not change the meaning of the document or contain information that is critical to our oversight function. The Members will be suspicious if they are only shown redacted material.

- (2) On the issue of holding material for HAC-D and Judiciary: We have a Committee rule that requires that when we give classified material to non-HPSCI members, it requires a Committee vote before release of that material. Given that the Administration is supportive of us doing so, I don't foresee any problems with such a vote - but of course I don't have a vote, so I can't guarantee it. So, we won't be able to release the material until a business meeting and a vote, which we can try to have at the earliest opportunity (but will certainly not happen this week). If you need to make other arrangements for granting access to HAC-D and Judiciary, we won't be offended.

Jeremy

-----Original Message-----

From: Bradbury, Steve [mailto:Steve.Bradbury@usdoj.gov]
Sent: Tuesday, January 30, 2007 2:47 PM
To: Bash, Jeremy
Cc: Donesa, Chris
Subject: Proposed arrangement for providing Jan 10 FISA orders

Jeremy & Chris:

Pursuant to our discussions, here are the terms on which the Department of Justice proposes to make available to HPSCI the January 10, 2007 FISA orders and materials filed with the FISA Court in support of those orders. Please confirm that these terms are acceptable to the HPSCI. Thank you!

1. We will deliver two copies (with certain limited redactions) to HPSCI of the classified Jan 10 orders, application, memoranda of law, and supporting exhibits (other than the declarations) that were filed with the application. These documents will be retained in the HPSCI SCIF and will be treated as TSP-classified material. Access to this retained set of materials will be limited to Members of HPSCI and staff who are cleared into TSP, plus other persons who are specifically permitted to review these materials by agreement of the DOJ (such other persons will include the Chairs and Ranking Members of the HAC-D Subcommittee and the House Judiciary Committee, as well as those Leaders of the House who are cleared into TSP). Copies of these materials will only be made by HPSCI when necessary for simultaneous review by Members of the HPSCI, provided that all such copies are numbered, records are kept of any copies made, and all such extra copies are destroyed when no longer needed for simultaneous review.
2. DOJ will retain custody and control of the declarations filed in support of the Jan 10 orders but will make these declarations available on a read-only basis for the review of the Members of HPSCI and the TSP-cleared staff directors and majority and minority counsel of HPSCI (plus one additional TSP-cleared HPSCI staff member, the deputy staff director and general counsel). For the convenience of HPSCI, DOJ will agree to bring these declarations up to the Capitol for review in the HPSCI SCIF.
3. This agreement on the Jan 10 FISA orders is without prejudice to the other document requests made by HPSCI.

7/3/2008

N/R

Hughes, Richard

From: Bradbury, Steve
Sent: Tuesday, January 30, 2007 6:29 PM
To: 'Johnson, A (Intelligence)'
Cc: Tucker, L (Intelligence); Davidson, M (Intelligence); Healey, C (Intelligence)
Subject: RE: Proposed arrangement for providing Jan 10 FISA orders to SSCI

Thank you, Andy. The set of materials will be available for delivery to you in the morning. The plan was for delivery by special staffers from the National Security Division; but if you wish to have an attorney walk you through the materials when delivered, we should be able to arrange that. As for a follow up hearing or briefing with the Committee to go over the orders, I will certainly be available at the Committee's convenience to do that next month. I would expect that NSD, NSA, and ODNI would want to have folks there, as well. We will need to discuss other materials separately and secure. Thank you, again, for your patience on this! Steve

From: Johnson, A (Intelligence)] b6
Sent: Tuesday, January 30, 2007 6:19 PM
To: Bradbury, Steve
Cc: Tucker, L (Intelligence); Davidson, M (Intelligence); Healey, C (Intelligence)
Subject: Re: Proposed arrangement for providing Jan 10 FISA orders to SSCI

Steve: I've discussed with Louis and this agreement comports with our discussion over the weekend. As I mentioned to you then, we may want to revisit with you the issue of redacted information and the limitations placed on the declarations once we have had an opportunity to review the materials. But this is progress and we agree and are prepared to move forward. (Also, you were going to look into a similar arrangement on the other materials we discussed. Any progress on that front?).

Can we have these materials brought up tomorrow and have someone from the Department to walk us through them? Tomorrow is ideal because we have the McConnell nomination hearing on Thursday?

Also, we need to have Justice and NSA back before the committee to go over these orders and other TSP related matters. Way back when, we had notionally scheduled Feb 15 I believe to do this. The timing is good. Are the AG or you available that day to brief members directly?

Thanks, Andy

Sent from my BlackBerry Wireless Handheld

----- Original Message -----
From: Bradbury, Steve <Steve.Bradbury@usdoj.gov>
To: Johnson, A (Intelligence)

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Cc: Tucker, L (Intelligence)

Sent: Tue Jan 30 16:56:25 2007

Subject: Proposed arrangement for providing Jan 10 FISA orders to SSCI

Andy & Louis:

Pursuant to our discussions, here are the terms on which the Department of Justice proposes to make available to SSCI the January 10, 2007 FISA orders and materials filed with the FISA Court in support of those orders. Please confirm that these terms are acceptable to the SSCI. Thank you!

1. We will deliver two copies (with certain limited redactions) to SSCI of the classified Jan 10 orders, application, memoranda of law, and supporting exhibits (other than the declarations) that were filed with the application. These documents will be retained in the _____ and will be treated as TSP-classified material. Access to this retained set of materials will be limited to Members of SSCI and staff who are cleared into TSP, plus other persons who are specifically permitted to review these particular materials by agreement of the DOJ (such other persons will include the Chairs and Ranking Members of the SAC-D Subcommittee and the Senate Judiciary Committee, as well as those Leaders of the Senate who are cleared into TSP). (This does not mean that the Chairs and Ranking Members of Judiciary are being read into TSP, only that we have agreed to allow them to review this particular set of materials relating to the Jan 10 orders.) Copies of these materials will only be made by SSCI when necessary for simultaneous review by Members of the SSCI, provided that all such copies are numbered, records are kept of any copies made, and all such extra copies are destroyed when no longer needed for simultaneous review. bs

2. DOJ will retain custody and control of the declarations filed in support of the Jan 10 orders but will make these declarations available on a read-only basis for the review of the Members of SSCI and the TSP-cleared staff directors and majority and minority counsel of SSCI. For the convenience of SSCI, DOJ will agree to bring these declarations up to the Capitol for review in the _____

3. This agreement on the Jan 10 FISA orders is without prejudice to the other document requests made by SSCI.

These are the identical arrangements we are proposing to HPSCI. Thank you!

Steve

Farris, Bette

From: Livingston, J (Intelligence)] b6
 Sent: Tuesday, January 30, 2007 6:12 PM
 To: Bradbury, Steve
 Subject: RE: Proposed arrangement for providing Jan 10 FISA orders to SSCI

It does. Thanks again.

From: Bradbury, Steve [mailto:Steve.Bradbury@usdoj.gov]
 Sent: Tuesday, January 30, 2007 6:06 PM
 To: Livingston, J (Intelligence)
 Subject: RE: Proposed arrangement for providing Jan 10 FISA orders to SSCI

Pls note that, if it wasn't clear when we spoke, the retained copies that you will keep in your SCIF will include all the "legal" discussion (everything but the declarations and a few minimal redactions for specific identifiers, etc.), and access to that retained set of materials would be available to all TSP-cleared staff. I hope that helps. Steve

From: Livingston, J (Intelligence)] b6
 Sent: Tuesday, January 30, 2007 6:03 PM
 To: Bradbury, Steve
 Subject: RE: Proposed arrangement for providing Jan 10 FISA orders to SSCI

Thanks.

From: Bradbury, Steve [mailto:Steve.Bradbury@usdoj.gov]
 Sent: Tuesday, January 30, 2007 5:51 PM
 To: Livingston, J (Intelligence)
 Subject: FW: Proposed arrangement for providing Jan 10 FISA orders to SSCI

As discussed.

From: Bradbury, Steve
 Sent: Tuesday, January 30, 2007 4:56 PM
 To: [] b6
 Cc: Tucker, L (Intelligence)
 Subject: Proposed arrangement for providing Jan 10 FISA orders to SSCI

Andy & Louis:

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b3
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persons who are specifically permitted to review these particular materials by agreement of the DOJ (such other persons will include the Chairs and Ranking Members of the SAC-D Subcommittee and the Senate Judiciary Committee, as well as those Leaders of the Senate who are cleared into TSP). (This does not mean that the Chairs and Ranking Members of Judiciary are being read into TSP, only that we have agreed to allow them to review this particular set of materials relating to the Jan 10 orders.) Copies of these materials will only be made by SSCI when necessary for simultaneous review by Members of the SSCI, provided that all such copies are numbered, records are kept of any copies made, and all such extra copies are destroyed when no longer needed for simultaneous review.

2. DOJ will retain custody and control of the declarations filed in support of the Jan 10 orders but will make these declarations available on a read-only basis for the review of the Members of SSCI and the TSP-cleared staff directors and majority and minority counsel of SSCI. For the convenience of SSCI, DOJ will agree to bring these declarations up to the Capitol for review in the

b3

3. This agreement on the Jan 10 FISA orders is without prejudice to the other document requests made by SSCI.

These are the identical arrangements we are proposing to HPSCI. Thank you!

Steve

Farris, Bette

From: Bradbury, Steve
Sent: Tuesday, January 30, 2007 2:35 PM
To: 'Tucker, L (Intelligence)'
Subject: RE: Jan 10 FISA orders

Louis: My sincere apologies for failing to consult with you in my communications with Andy. He and I spoke on Saturday about an arrangement for providing to the Committee the Jan 10 orders, application, and certain supporting materials, following communications I had with Jeremy Bash at HPSCI on the same subject. Are you available to speak by phone? I can go over the arrangement with you before sending a message up to Andy and you, if that would be helpful. And, again, I am very sorry for the clumsiness of my contacts. I'm not very well versed on the process of Hill communications. Thx! Steve

From: Tucker, L (Intelligence)] b6
Sent: Tuesday, January 30, 2007 2:23 PM
To: Bradbury, Steve
Subject: FW: Jan 10 FISA orders

Nice to hear from you Steve.

Louis Tucker
Minority Staff Director
Senate Select Committee on Intelligence
[] b6

From: Johnson, A (Intelligence)
Sent: Tuesday, January 30, 2007 12:58 PM
Subject: FW: Jan 10 FISA orders

FYI

From: Bradbury, Steve [mailto:Steve.Bradbury@usdoj.gov]
Sent: Tuesday, January 30, 2007 12:03 PM
To: Johnson, A (Intelligence)
Subject: Jan 10 FISA orders

Andy: I am hoping that the materials we discussed will be ready this afternoon to be brought up to you. I will send you a message soon with the specifics so that you and I can confirm we're in agreement on the conditions. Thank you! Steve